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Attorney for Defendant
MICHAEL CURTIS KOZY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MICHAEL CURTIS KOZY (1) ELIZABETH ANN LYONS-HINES (2), Defendants.	Case No. 07CR3027-LAB Date: December 17, 2007 Time: 2:00 p.m. **STATEMENT OF FACTS AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT KOZY'S MOTION FOR JOINDER**

I.

STATEMENT OF FACTS

Co-defendant, Michael Curtis Kozy, adopts the statement of facts set out in co-defendant Elizabeth Ann Lyons-Hines' Memorandum of Points and Authorities.

II.

THIS COURT SHOULD PRECLUDE THE PROSECUTION FROM PROCEEDING UNDER AN AIDING AND ABETTING THEORY ON ANY OF THE COUNTS

Co-defendant, Michael Curtis Kozy, adopts the point and authorities set out in co-defendant Elizabeth Ann Lyons-Hines' Memorandum of Points and Authorities.

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III.

MR. KOZY'S CASE SHOULD BE SEVERED FROM MS. LYONS-HINES' TO AVOID UNFAIR PREJUDICE AT TRIAL

Co-defendant, Michael Curtis Kozy, adopts the points and authorities set out in co-defendant Elizabeth Ann Lyons-Hines' Memorandum of Points and Authorities.

Specifically, Mr. Kozy's Sixth Amendment right to confront and cross-examine witnesses would be violated in a joint trial because the government may seek to introduce the video taped interview of co-defendant Elizabeth Ann Lyons-Hines with government agents at the time of her arrest which incriminate Mr. Kozy. *Crawford v. Washington*, 541 U.S. 36 (2004).

IV.

MOTION TO COMPEL DISCOVERY/PRESERVE EVIDENCE

Co-defendant, Michael Curtis Kozy, adopts the point and authorities set out in co-defendant Elizabeth Ann Lyons-Hines' Memorandum of Points and Authorities.

V.

MOTION TO PRESERVE AND RE-WEIGH NARCOTIC EVIDENCE

Co-defendant, Michael Curtis Kozy, adopts the point and authorities set out in co-defendant Elizabeth Ann Lyons-Hines' Memorandum of Points and Authorities.

VI.

MOTION TO DISMISS THE INDICTMENT DUE TO MISINSTRUCTION OF THE GRAND JURY

Co-defendant, Michael Curtis Kozy, adopts the point and authorities set out in co-defendant Elizabeth Ann Lyons-Hines' Memorandum of Points and Authorities.

VII.

MOTION TO SUPPRESS MR. KOZY'S STATEMENTS PURSUANT TO MIRANDA AND 18 U.S.C. § 3501

Co-defendant, Michael Curtis Kozy, adopts the point and authorities set out in co-defendant Elizabeth Ann Lyons-Hines' Memorandum of Points and Authorities.

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VIII.

LEAVE TO FILE FURTHER MOTIONS

Co-defendant, Michael Curtis Kozy, adopts the point and authorities set out in co-defendant Elizabeth Ann Lyons-Hines' Memorandum of Points and Authorities.

IX.

CONCLUSION

For the reasons stated above, Mr. Kozy requests that this Court grant his motions.

Respectfully submitted,

Dated: December 6, 2007

/s/ Robert E. Boyce
ROBERT E. BOYCE
Attorney for Defendant
MICHAEL CURTIS KOZY